

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ORLANDO MARTIN,

Plaintiff, No. 2:05-cv-00557 ALA (P)

vs.

ALVARO C. TRAQUINA, et al.,

Defendants. INFORMATIONAL ORDER

Plaintiff filed his Pretrial Statement on April 25, 2008. (Doc. 100). In his Pretrial Statement he states that he “will call Dr. Chin and Dr. Highsmith as witness, both Dr. Chin and Dr. Highsmith will have to be subpoena [sic] probably against their will” Plaintiff is directed to review the Court’s Order filed on August 7, 2007 (Doc. 66), section IV, “Procedures for Obtaining Attendance of Unincarcerated Witnesses Who Refuse to Testify Voluntarily” for the proper procedure for obtaining attendance of these witnesses. Section IV of the Court’s August 7, 2007 Order provides:

If a prospective witness is not incarcerated, and he or she refuses to testify voluntarily, not earlier than four weeks and not later than two weeks before trial, the party must prepare and submit to the United States Marshal a subpoena for service by the Marshal upon the witness. (Blank subpoena forms may be obtained

1 from the Clerk of the Court.) Also, the party seeking the witness' presence must
2 tender an appropriate sum of money to the witness through the United States
3 Marshal. In the case of an unincarcerated witness, the appropriate sum of money
4 is the daily witness fee of \$40.00 plus the witness' travel expenses.

5 *A subpoena will not be served by the United States Marshal upon an*
6 *unincarcerated witness unless the subpoena is accompanied by a money order*
7 *made payable to the witness for the full amount of the witness' travel expenses*
8 *plus the daily witness fee of \$40.00, and a copy of the court's order granting*
9 *plaintiff in forma pauperis status.* As noted earlier, because no statute authorizes
10 the use of public funds for these expenses in civil cases, the tendering of witness
11 fees and travel expenses is required even if the party was granted leave to proceed
12 in forma pauperis.

13 (emphasis added).

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15 DATED: May 2, 2008

16 /s/ Arthur L. Alarcón

17 UNITED STATES CIRCUIT JUDGE

18 Sitting by Designation